PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

W. Lubitz, et al.

Serial Number: 09/117,44

Filed: December 2, 1998

Group Art Unit: 1645

Examiner: N. Minnifield

Attorney Dkt. No.: 100564-08013

Date: April 23, 2001

For: RECOMBINANT EXPRESSION OF S-LAYER PROTEINS

APR 2 3 200

## SUBMISSION OF DEPOSIT RECEIPT AND VIABILITY STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

Enclosed herewith are copies of the Deposit Receipt and Viability Statement for a biological material described in the above application. Submission of these documents is pursuant to the terms of the Budapest Treaty under 37 CFR §1.803.

Any and all restrictions that have been placed on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent for this application.

Respectfully submitted,

Robert B. Murray

Registration No. 22,980

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC 1050 Connecticut Avenue, N.W., Suite 600 Washington, D.C. 20036-5339

Tel: (202) 857-6000 Fax: (202) 638-4810

RBM/LAB/ccd